IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9119 of 2005

Between:

Golla Raju S/o. Mallaiah
R/o. Obulapuram Village, Dhone Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd Respondent in canceling the authorization of the petitioner by his proceedings Rc. B. 574 of 2004 dt. 30-3-2005 without looking into the evidence produced by the petitioner and without fixing the date for hearing as illegal, arbitrary, malafide against the provisions of Control Order 2001 and consequently direct the 2nd Respondent to supply the commodities to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a writ of Mandamus, declaring the order of the second respondent in canceling the authorization of the petitioner by his proceedings dated 30.3.2005 without looking into the evidence produced by the petitioner and without fixing the date for hearing, as illegal, arbitrary, against the provisions of Control Order 2001 and consequently direct the second respondent to supply the commodities to the petitioner.

Brief facts of the case are that the petitioner was appointed as a permanent Fair Price Shop Dealer for Fair Price Shop at Obulapuram Village, Dhone Mandal, Kurnool District. Basing on the report of the third respondent, the second respondent suspended the authorization of the petitioner by his proceedings Rc.No. CS3/169/2004 dated 31.12.2004. Aggrieved by the said order, the petitioner preferred an appeal before the first respondent, along with stay application, but the same was not considered. Hence, the petitioner filed Writ Petition No. 9880 of 2004, which was disposed of with a direction to pass appropriate orders in the stay application as well as in the appeal and also with a direction to maintain status quo as to the distribution of Essential Commodities till the disposal of the appeal. The first respondent without looking into the records submitted by the petitioner, basing on the report of the Mandal Revenue Inspector and third respondent, dismissed the appeal on the ground that the petitioner committed irregularities. Aggrieved by the same, he preferred a revision before the District Collector along with the stay application and the same is still pending.

The learned counsel appearing for the petitioner submits that the appeal is

pending before the first respondent and the first respondent is not disposing of the appeal.

Without going into the merits of the case, I deem it appropriate to dispose of the Writ Petition with a direction to the first respondent- the Joint Collector, Kurnool District, to dispose of the appeal filed by the petitioner in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. As the impugned order shows that no alternative arrangement is made, petitioner shall be continued till the disposal of the appeal.

Accordingly, the Writ Petition is disposed of. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 25.04.2005

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To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool District.
3 The Mandal Revenue Officer, Kurnool District.

4. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.